

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORKErnest LeneauRECEIVED
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(In the space above enter the full name(s) of the plaintiff(s)/petitioner(s).)

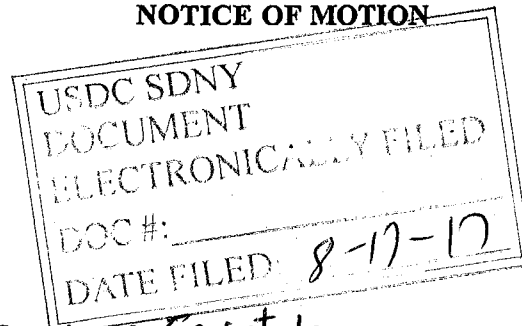
16 Civ. 0893 (R) (A)

- against -

NOTICE OF MOTION

The City of New York
Officer Cleary
Officer Paul

(In the space above enter the full name(s) of the defendant(s)/respondent(s).)

PLEASE TAKE NOTICE that upon the annexed affirmation of Ernest Leneau

(name)

affirmed on Aug 11, 2017, and upon the exhibits attached thereto (delete if no
(date)

exhibits), the accompanying Memorandum of Law in support of this motion (delete if there is no

Memorandum of Law), and the pleadings herein, plaintiff/defendant will move this Court, before

(circle one)

Ronnie Abrams, United States District/Magistrate Judge, for an order

(Judge's name)

(circle one)

pursuant to Rule 56.1 of the Federal Rules of Civil Procedure granting (state what you want theJudge to order): Dismiss the defendant order, and grant me
a trial

I declare under penalty of perjury that the foregoing is true and correct.

Dated: East Elmhurst, NY
(city) (state)
Aug 11, 2017
(month) (day) (year)Signature [Signature]
Address 1600 Hazen Street
East Elmhurst, NY 11370
Telephone Number _____
Fax Number (if you have one) _____

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORKErnest LeneauRECEIVED
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(In the space above enter the full name(s) of the plaintiff(s)/petitioner(s).)

16 Civ. 893 (R) BCM

- against -

AFFIRMATION IN OPPOSITION
TO MOTIONThe City of New York, Correction
Officer NATASHA Cleary # 11078
Officer Melissa Paul # 3048

(In the space above enter the full name(s) of the defendant(s)/respondent(s).)

I, Ernest Leneau, affirm under penalty of perjury that:1. I, Ernest Leneau, am the plaintiff/defendant in the above entitled action, and
(name) (circle one)respectfully submit this affirmation in opposition to the motion dated July 21, 2017,
Corporation Counsel of New York (date of motion)made by Zachary W Carter asking that the court order the following relief:
(name of moving party)Motion for Summary Judgment

(state what the moving party wants the Judge to order)

2. I have personal knowledge of facts which bear on this motion because I have tried
hard to give you the truth and now I feel I can win without a lawyer
(state the basis on which you learned of the relevant facts)3. The motion should be denied because (state your reasons using additional paragraphs and sheets of paper as necessary)
Because I need a chance to fight for what is right + the
have been neglecting us inmate for a long time and getting away
with it.

4. In view of the foregoing, it is respectfully submitted that the motion should be denied.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: East Elmhurst, NY
(city) (state)
August 11, 2017
(month) (day) (year)Signature Ernest Leneau
Address 1600 Hazen Street
East Elmhurst, NY 11370
Telephone Number _____
Fax Number (if you have one) _____

Please Take notice that I the Plaintiff believe
 that my CASE shouldn't be dismissed because
 everything that I SAID is true and facts. I believe
 that the city of New York have been gave us
 inmate a raw deal when it comes to us getting injured
 in jail. I believe that everyone that said their injury
 maybe lying but I truly ~~damage~~ ~~myself~~ myself.
 I can't believe that they don't want to take ^{responsible} ~~responsibility~~
 for my injuries. I'm on there jail that I have never
 been in before and I didn't no about any grievance
 that we must do, excuse me for not ~~knowing~~ knowing
 the steps. Everyone that come to jail and get hurt
 were is the rule book, an inmate that get hurt in
 jail must follow these step were are they. Not everyone
~~who~~ who come to jail ever ~~think~~ think they will get hurt and
 would have to follow steps when they are in pain.
 Rule 56.2 should be dismiss because I have a CASE
 that I will win if put before a jury. I'm pro-se
 and it is hard for a person who not a lawyer ^{and}.
 because every Lawyer I call ~~want~~ want to no my charges
 before they take my CASE. Why is that. And every-
 time I ask the court to assign me a lawyer the say
 no, it unfair to us inmates. I don't no anything about
 Case law so please excuse me again. What I no is
 that when I came to jail I wasn't taking Pain Killer
 everyday. ~~Now~~ Now for me to go on day to day I must
 take 6 Pain Killer at 400 mg a Day.

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nt I

Exhaust Administrative Remedies.

1. I put my Grievance in more than once in the Grievance box and it was answer Medical issue.
2. I also put my Grievance in the Warden Gens box but again never answer.
3. I also sent my Grievance to Central Office Review Committee, 75-20 Astoria Blvd, East Elmhurst, NY 11370
4. I also inform the Prisoner Right Project.
5. I also ask for a hearing at R.N.D.C. and was told they didn't have a Grievance Committee.
6. I also wrote a personal letter to MR. Ponte.

nt II

~~Deliberate~~ Deliberate Indifference to my Medical needs

- 1A. I believe that the officer making me stay in the cell for 2 day and not taking me to medical when I first hit my head ~~maybe~~ maybe I would not have damage my neck and ~~shoulder~~ shoulder because when I first hit my head I was dizzy and all I could do is go back to sleep because I was inform the jail was lock down. They are telling me you can't have 2 emergency (prompt action) at the same time. By them denial of medical attention constituted deliberate indifferent in violation of the eighth Amendment
- 2B. It is true I had a back problem back in 1996 and I inform the doctor on the day that I went to sick call. But from what I no about head injuries most times you will not feel pain until later on as of what I no.

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2C. The hematoma on my head is still there which cause me a facial deformity.

D. Because of the Pain now I'm on Pain Killer everyday 7 Days a week.

E. It is true again the Pain in my neck didn't start until maybe 3 to 4 month later, but the doctor at the hospital said it was from the injury to my head. Injuries I sustained is because of the officer banging on the cell door, and Medical not doing their job as get a MRI to make sure I was OK. In the being how would I no I would have pain later I'm no doctor. A doctor ~~said~~ should no what to do if a inmate come in with a head injury. You have all the rules on exhaust Administrative Remedies but what about taken care of us inmate who injury ourself in there jail. What are rules when someone is hurt in the jail what is the doctor and the C.O Job.

3A. They say that I work I have to work because I don't have anyone taken care of me. And the Pain medication makes it easier for me to take the Pain. The SPA job all I do is sit down and watch my fellow inmate. If I wasn't getting the Pain medication I wouldn't be able to work.

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C. Plaintiff Cannot Establish that he was provided inadequate treatment. The defendant denied me adequate medical care in violation of the eighth Amendment. The eighth Amendment prohibits the infliction of cruel and unusual punishment's on prisoner's. In *Estelle v Gamble*. The Supreme Court held that deliberate indifference to serious medical needs of prisoner constitutes the ~~un~~ unnecessary and wanton infliction of Pain... proscribed by the Eighth Amendment. To not allow me adequate medical attention is on the C.O. in charge. By being me 2 days later is negligent toward the C.O. in charge. As I said before once I came to DBCC the medical staff got me better attention to my needs. But I still have to have surgery on my neck and head. Some where the D.O.C. needs a Directive that allow C.O. to take anyone who has a injury to Sick call. When ever a person have a head injury it important that they seek medical attention no matter how small, it not up to the C.O. to make a decision on what should go to Sick Call or not everyone should be allowed.

P.S Please understand I'm no lawyer and I tried my best to answer all the question that the defendant Counsel have ask of me, I only have a 12th grade of School so please give me a chance.

Ernest Lenard
141413352
1600 Hazen St
Elmhurst, NY 11370

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16 cv 0893 (R)(A)

United States District Court of

Southern District of New York

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